IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor: Jacquelyn Annette Martino

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Docket No.: US020031(PHB-10-6235)

Customer No.: 24737

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

July 3, 2007

APPEAL BRIEF

Dear Sir:

Attached herewith is an Appeal Brief pursuant to 35 U.S.C. §134 and 37 C.F.R. §41.37 for the above-identified patent application in support of a Notice of Appeal filed with the United States Patent and Trademark Office on May 16, 2007.

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I.   REAL PARTY IN INTEREST

The real party in interest in the above-entitled application is Koninklijke Philips Electronics N.V., Eindhoven, NL.

II.   RELATED APPEALS AND INTERFERENCES

The undersigned attorney/agent, the appellant, and the assignee are not aware of any related appeals or interferences that would directly affect, or be directly affected by, or have a bearing on the Board's decision in this pending appeal.

III.   STATUS OF THE CLAIMS

Claims 1-19 are pending and are all on appeal. Claims 1-19 stand rejected.

IV.   STATUS OF AMENDMENTS

No amendments were made after the Final Office Action.

V.   SUMMARY OF THE CLAIMED SUBJECT MATTER

Claim 1

Claim 1 is directed towards a device for displaying search results. The device includes a processor, a user interface, and a processor connected thereto. The user interface applies control signals responsive to user input, wherein the user input indicates a first feature of search results. A processor generates display data such that search results having the same first feature are aggregated and displayed as a single symbol. Accordingly, for example, search results having a same title are displayed as a single symbol. Additionally, the search results having the same feature are expandable upon receipt of a user selection of the single symbol. (*See, inter alia,* page 2, line 14 – page 3, line 2; page 8, line 14 – page 9, line 2).

Claim 2

Claim 2 depends from claim 1 and is directed towards the display of instances of search results having a same first feature but a different second feature. While single symbols are displayed along a first axis, instances of search results that have second features that are represented by the symbols are displayed along a second axis. (*See, inter alia,* page 9, lines 11-21; and Figure 6).

Claim 7

Claim 7 depends indirectly from claim 1 and recites that search results may be selectively aggregated about chosen second features. For instance, television programming search results may be aggregated about title and channel. (*See, inter alia,* page 12, line 20 – page 13, line 4; and Fig. 11).

Claim 10

Claim 10 is directed towards a device for displaying search results. The device includes a processor, a user interface, and a processor connected thereto. Search results are displayed such that search results having a common first feature are aggregated and displayed as a single symbol, wherein the first feature is indicated by a user. Additionally, the single symbol may be expanded upon user-selection of the single symbol. (*See, inter alia,* page 2, line 14 – page 3, line 2; page 8, line 14 – page 9, line 2).

Claim 11

Claim 11 depends from claim 10 and is directed towards the display of instances of search results having a same first feature but different second feature. While single symbols are displayed along a first axis, instances of search results that have second features that are represented by the symbols are displayed along a second axis. (*See, inter alia,* page 9, lines 11-21; and Figure 6).

Claim 15

Claim 15 is directed towards a method for displaying search results, the method including acts of receiving user data indicating a first feature about which to consolidate search results, wherein said search results are obtained through utilization of a textual query; receiving user data indicating a second feature about which to consolidate said search results; identifying search results having same values of said first feature and said second feature; generating a display wherein each of said search results having said same values is depicted by a single symbol; and expanding said each of said search results such that additional information about said each is displayed in response to said single symbol being indicated by a user. (*See, inter alia,* page 2, line 14 – page 3, line 2; page 8, line 14 – page 9, line 2).

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-19 are anticipated under 35 U.S.C. §102(b) by Eick, *et al.* (US 5,812,124).

VII.   ARGUMENTS

A.   The Rejection of Claims 1-19 Under 35 U.S.C. §102(b)

Claims 1-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Eick, *et al.* Reversal of this rejection is respectfully requested, as Eick, *et al.* fails to disclose each and every aspect as recited in the claims.

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Background

The present application is generally directed towards organizing search results when displayed to a user. In more detail, a data source is searched and search results are aggregated around a feature selected by a user, such that two or more search results that have an identical value for the selected feature are aggregated and displayed as a single search result. For instance, if a user indicated that search results should be aggregated around titles of the search results and the user searched for a television program, only one label would be listed for all programs with a same title.

In contrast, Eick, *et al.* is directed towards a system/method for searching for a data item in a large schedule of data items by sequentially applying different filtering criteria.[1] For example, Eick, *et al.* teaches that a user can search for a basketball program that will be on at a current time by selecting, in sequence, a "tv now" category, a "sports" category, and a "basketball" category.[2] Eick, *et al.* additionally discloses that a television program can be searched for by sequentially filtering by title. In an example discussed in Eick, *et al.,* a user may wish to locate a desired program entitled "Nova."[3] To begin this search, the user selects a "search" button from a menu and is provided a first display of an interactive alphanumeric selection sequence.[4] For example, to search for the program entitled "Nova", a user uses directional arrows on a remote control to select a subset of letters that include the letter "N" (e.g., letters "M" through "R").[5] Narrower filter options are then provided, such that, for instance, the user may select the letter "N" from amongst a plurality of available letters. This process continues until a sufficiently narrow filter is applied to enable location of the desired program. Therefore, Eick, *et al.* is distinguishable from the present application in general because it teaches expanding a category to display subgroups of the category upon selection

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[1] Eick, *et al.,* col. 2, lines 37-42
[2] Eick, *et al.,* col. 7, line 50 – col. 8, line 12, Figures 4, 8, and 9
[3] Eick, *et al.,* col. 9, lines 61-67
[4] Eick, *et al.,* col. 9, lines 57-60, Fig. 5, Fig. 16
[5] Eick, *et al.,* col. 9, lines 61-67, Fig. 17

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of the category (rather than aggregating search results based upon an indication of a first feature chosen by a user).

Claims

Turning now to a discussion of the patentability of the claims, the claims recite at least one element or limitation not taught or suggested by the cited reference(s).

Claims 1, 10, and 15

Claim 1 recites, *inter alia, a processor being configured to accept search results; a user interface being adapted to apply control signals responsive to user input indicating a first feature of each of said search results; said processor being configured to generate display data including multiple symbols corresponding to respective ones of said search results such that ones of said search results having a same value of said first feature are aggregated such that said ones are displayed as a single symbol.* Claims 10 and 15 recite similar elements. Eick, *et al.* fails to disclose these claimed features.

The Examiner asserts that the sequential filtering of data to locate a desired program as disclosed in Eick, *et al.* anticipates the subject invention as claimed. As noted in previous correspondence, however, the method of Eick, *et al.* operates in reverse when compared to the requirements of the claim. Specifically, rather than aggregating search results, based upon a user indication of a first feature, that have a same value of the first feature and displaying these search results as a single symbol, Eick, *et al.* discloses displaying subgroups of a group when the group is selected by a user. For example, as described above, selection of a group that includes letters "M" through "R" may result in provision of individual letters "M", "N", "O", "P", "Q", and "R" to a user. User selection of the letter "N" may provide further, more specific filter criteria. Accordingly, when a user selects a group (e.g., identifies a first feature), such group is <u>expanded</u> and not aggregated as required by these claims.

In the Advisory Action dated April 24, 2007, the Examiner asserts that Eick, *et al.* discloses that a user can enter a title and that the results of the request are displayed to the user

in aggregate form, as each individual letter (such as "N") represent all results which begin "N". While Eick, *et al.* does disclose that a search can be performed based upon title, such title is searched for by sequentially selecting subgroups of letters that are increasingly specific. Thus, to search for the program "Nova", as described above, the user selects, in order, a group of letters that includes the letter "N", the letter "N", a combination of letters that start with "N", and so on until the desired program is located. Thus, in this example, the letter "N" is a filter used when performing a search, and is clearly not an aggregation of search results.

In addition, claim 1 requires *user input indicating a first feature of each of said search results* and *ones of said search results having a same value of said first feature are aggregated such that said ones are displayed as a single symbol.* Claims 10 and 15 include similar elements. As noted above, in accordance with the teachings of Eick, *et al.,* when the user selects a first feature (e.g., the letter "N"), filters are not aggregated, but are instead expanded to illustrate subgroups of the selected group. For instance, Figures 19 and 20 of Eick, *et al.* clearly show that user selection of the letter "N" as a filter causes a plurality of more specific filters do be displayed.

Accordingly, as Eick, *et al.* fails to disclose each and every element as recited in these, reversal of this rejection is respectfully requested.

Claims 2 and 11

Claim 2 requires *said display data including symbols corresponding to multiple instances of a subset of said search results having a second feature and the same value of said first feature, each of said subset of said search results being selectively displayable by said user interface developed along a second axis of said display area.* Claim 11 recites similar elements. Figure 6 of the subject patent application provides an exemplary graphical illustration which is supportive of the claim language (the presentation of Fig. 6 is for discussion only and not to be construed as limiting the claims in any particular way), where

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aggregated symbols are displayed along a vertical axis and instances of these symbols are displayed along a horizontal axis.
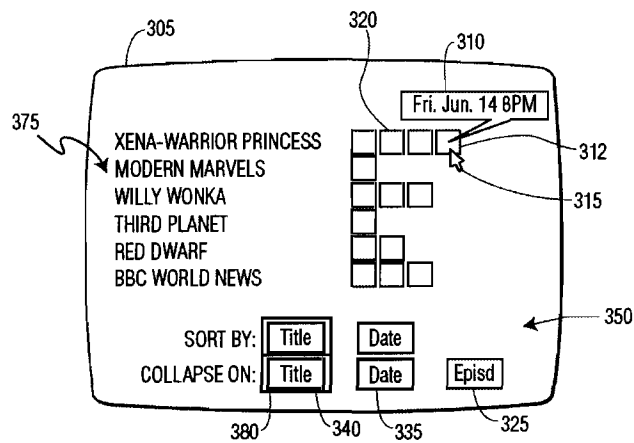

FIG. 6

In the Advisory Action, the Office points to Figures 22 and 23 of Eick, *et al.* (reproduced below) as disclosing aspects of this claim.
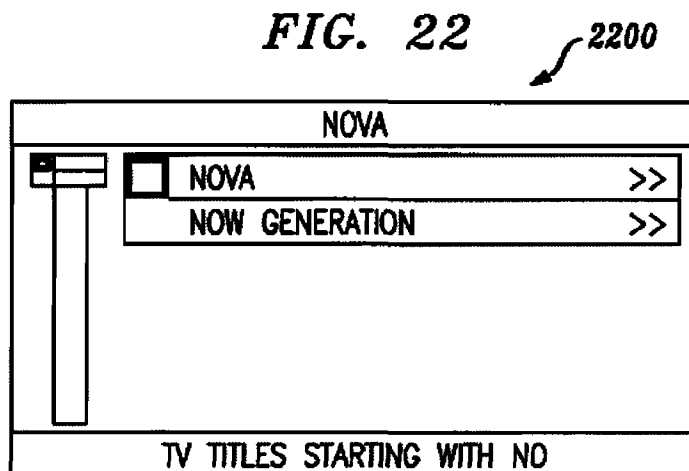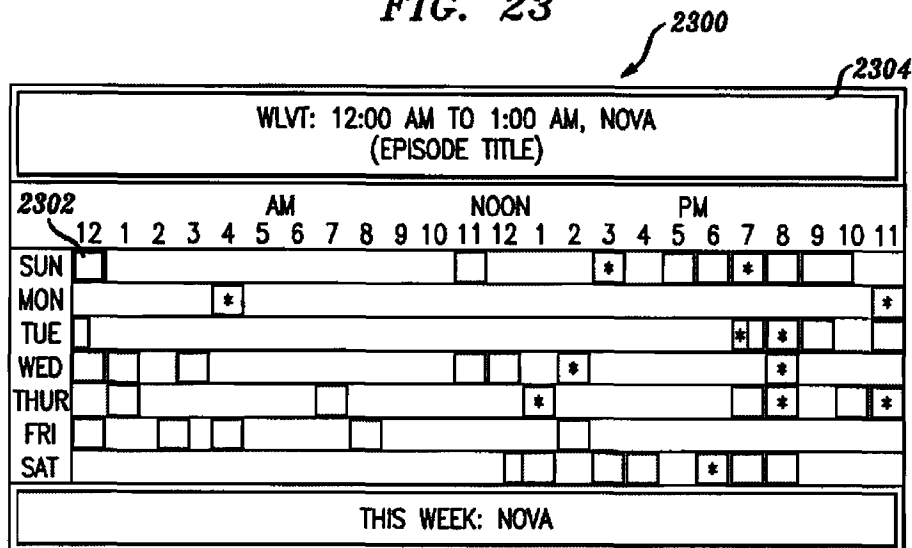

FIG. 22

FIG. 23

2300

2304

WLVT: 12:00 AM TO 1:00 AM, NOVA
(EPISODE TITLE)

2302				AM								NOON				PM						
	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11
SUN																*				*				
MON					*																			*
TUE																		*	*					
WED																*				*				
THUR															*						*			*
FRI																								
SAT																			*				

THIS WEEK: NOVA

As can be discerned, Figure 22 of Eick, *et al.* illustrates filters arranged along a vertical axis, but there are no instances (or subgroups) of the filters displayed along a second axis as required by these claims. Figure 23 illustrates a conventional program schedule with axes of day and time, wherein programs are illustrated on a grid to indicate on what day and at what time they can be viewed. Thus, day and time are developed along a first and second axis, respectively, but it is clear that symbols and instances of the symbol having a second feature and the same value of the first feature are not displayed along first and second axes, respectively. Accordingly, reversal of this rejection is respectfully requested.

Claim 7

Claim 7 requires *said ones may be selectively aggregated about chosen second features.* In the Advisory Action dated April 24, 2007, the Office asserts that results are aggregated, for example, based upon a second letter in a program title, and cites Figures 19-22 of Eick, *et al.* as disclosing such aggregation. These figures, however, illustrate how a textual search can be accomplished with respect to program listings by way of a remote control. As

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noted above, to find the program "Nova", the user selects a group of letters that include the letter "N", then selects the letter "N", then selects the combination "No", and so on. Accordingly, Figures 19-22 of Eick, *et al.* disclose sequential filtering, and clearly do not disclose aggregating search results about two chosen features as claimed. Accordingly, reversal of this rejection is respectfully requested.

Other Dependent Claims

Other dependent claims not specifically mentioned above are believed to be allowable at least by virtue of their dependencies from their respective base claims.

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VIII.   CONCLUSION

In view of the foregoing, it is submitted that claims 1-19 distinguish patentably and non-obviously over the prior art of record, and reversal of the rejection of claims 1-19 is respectfully requested.

Respectfully submitted,

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[signature]

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IX.   CLAIM APPENDIX

1.   A device for displaying search results, comprising:

at least one user interface and supporting processor connected thereto, said user interface having at least one control and at least one output;

said processor being configured to accept search results;

said user interface being adapted to apply control signals responsive to user input indicating a first feature of each of said search results;

said processor being configured to generate display data including multiple symbols corresponding to respective ones of said search results such that ones of said search results having a same value of said first feature are aggregated such that said ones are displayed as a single symbol, wherein said ones of said search results are expandable such that symbols that represent each of said ones are displayed upon receipt of a user selection of said single symbol;

said processor being adapted to output said symbols for display by said user interface in the format of a list extending along a first axis of a display area.

2.   A device as in claim 1, wherein:

said display data including symbols corresponding to multiple instances of a subset of said search results having a second feature and the same value of said first feature, each of said subset of said search results being selectively displayable by said user interface developed along a second axis of said display area.

3.   A device as in claim 2, wherein said subset of said search results is displayed by said user interface along said second axis of said display area by indicating said symbol corresponding to said subset of said search results.

4.   A device as in claim 2, wherein said first axis defines a column.

5.   A device as in claim 1, wherein said ones are displayed by said user interface along a second axis of said display area on a display control.

6.   A device as in claim 5, wherein said display control permits selective expansion of details of said ones.

7.   A device as in claim 6, wherein said ones may be selectively aggregated about chosen second features.

8.   A device as in claim 1, wherein said search results are broadcast events.

9.   A device as in claim 1, wherein said first feature includes at least one of title, time, date, channel, and episode of a program event.

10.   A device for displaying search results, comprising:
        at least one user interface and supporting processor connected thereto, said user interface having at least one control and at least one output;
        said processor being configured to accept search results, said search results including broadcast events;
        said user interface being adapted to apply control signals responsive to user input indicating a first feature of each of said search results;
        said first feature including at least one of title, time, date, channel, and episode of a program event;
        said processor being configured to selectively aggregate a subset of said search results having the first feature in common such that the subset of said search results is depicted through use of a single symbol, said subset being expandable such that symbols representing

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each search result within the subset are displayed together with the single symbol upon user selection of said single symbol.

11.   A device as in claim 10, wherein:

the subset of said search results having a second feature and commonality with respect to the first feature, each of said subset of said search results being selectively displayable by said user interface developed along a second axis of said display area.

12.   A device as in claim 11, wherein said subset of said search results is displayed by said user interface along said second axis of said display area by indicating said symbol corresponding to said subset of said search results.

13.   A device as in claim 11, wherein said first axis is vertical and said second is horizontal.

14.   A device as in claim 10, wherein said subset of said search results is displayed by said user interface along a second axis of said display area on a display control.

15.   A method of displaying search results, comprising:

receiving user data indicating a first feature about which to consolidate search results, wherein said search results are obtained through utilization of a textual query;

receiving user data indicating a second feature about which to consolidate said search results;

identifying search results having same values of said first feature and said second feature;

generating a display wherein each of said search results having said same values is depicted by a single symbol; and

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expanding said each of said search results such that additional information about said each is displayed in response to said single symbol being indicated by a user.

16.   A method as in claim 15, wherein said search results include broadcast events.

17.   A method as in claim 16, wherein said first feature and said second feature include at least one of title, time, date, channel, and episode of a program event.

18.   A method as in claim 15, wherein the textual query is for a program title.

19.   A device as in claim 1, said processor is configured to expand said each of said search results in a hierarchical manner in response to said single symbol being indicated by said user.

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X.   EVIDENCE APPENDIX

None.

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XI.   RELATED PROCEEDINGS APPENDIX

None known to undersigned attorney/agent.

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